

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DR. DAVID S. FIELD and HOLLY FIELD,

Plaintiffs,

-v-

EXPONENTIAL WEALTH INC., et al.,

Defendants.

CIVIL ACTION NO.: 21 Civ. 1990 (JGK) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

On March 21, 2023, the Court ordered Defendant Ryan Murnane (“Ryan”) to show cause why he has failed to produce certain bank statements (the “Bank Statements”) and why the Court should not direct that a certificate of default be entered against him for his failure to comply with the Court’s orders. (ECF No. 198 (the “OTSC”)). The Court also permitted Ryan to resolve the OTSC by producing the Bank Statements by April 3, 2023. (Id. at 3).

On April 11, 2023, Plaintiffs Dr. David S. Field and Holly Field (“Plaintiffs”) filed a letter requesting an order directing the Clerk of Court to enter a certificate of default against Ryan for his failure to comply with the OTSC. (ECF No. 201 (the “Request”)). Plaintiffs state that, “[o]n March 23, Ryan sent [them] a few bank statements for only one of at least four relevant bank accounts, much of which was previously produced, and the same documents for this account and the other three accounts remain outstanding” (the “Mar. 23 Production”). (Id. at 2). Plaintiffs also state that Ryan has not responded to their follow-up requests for the Bank Statements and other discovery. (Id.)

On April 12, 2023, the Court directed Ryan to file a response to the Request explaining why the Court should deem Mar. 23 Production sufficient to satisfy the OTSC. (ECF No. 202). On

April 13, 2023, Ryan filed a letter stating, inter alia, that he has produced “every single possible Bank statement from the order of the court that [he] ever could possibly would be able to produce [sic]” and that he has “zero knowledge of another bank account in [name] name or Social Security number or any EIN[.]” (ECF No. 203 (the “Letter”)). On April 14, 2023, Plaintiffs filed a response to the Letter, disputing Ryan’s assertions and reiterating their Request. (ECF No. 204).

The Court acknowledges Ryan’s representations in the Letter, and finds that he has shown cause why directing entry of a certificate of default is not appropriate at this time. Accordingly, the Request is DENIED without prejudice. Plaintiffs dispute Ryan’s representations and argue that they are “belied by the documents that have been previously produced by Ryan.” (ECF No. 204 at 2). Plaintiffs can test the truth of these representations through Ryan’s deposition or by other discovery mechanisms available to them. The parties shall proceed with completing discovery pursuant to the schedule set forth in the Court’s order at ECF No. 199.

This Order resolves the OTSC. The Clerk of Court is respectfully directed to mail a copy of this Order to Ryan at the address below.

Dated: New York, New York  
April 14, 2023

SO ORDERED.

  
SARAH L. CAVE  
United States Magistrate Judge

Mail To: Ryan Murnane  
886 Edgegrove Ave.  
Staten Island, NY 10309